

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Cr1.MC.No. 2256 of 2015

IN CC 242/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
KASARAGOD

CRIME NO. 605/2013 OF KUMBLA POLICE STATION , KASARGOD

PETITIONERS/ACCUSED:

1. MAHESH, AGED 25 YEARS, S/O.SANJEEV,
BEETIGATHE, SONKAL, PRATHAP NAGAR,
MANGALPADY VILLAGE, MANJESHWAR, KASARAGOD.
2. CHANDRAHASA, AGED 26 YEARS, S/O.NARAYANA ACHARY,
THIMPARA HOUSE, PRATHAP NAGAR,
MANGALPADY VILLAGE, MANJESHWAR, KASARAGOD.
3. MITHUN M., AGED 24 YEARS, S/O.DIVAKARA ACHARYA,
PRATHAP NAGAR, MANGALPADY VILLAGE MANJESHWAR
KASARAGOD.
4. SANTHOSH, AGED 27 YEARS, S/O.KRISHNAPPA POOJARY,
ARUN NIVAS, PRATHAP NAGAR,
MANGALPADY VILLAGE, MANJESHWAR, KASARAGOD.

BY ADV. SRI.V.A.VINOD

RESPONDENTS/COMPLAINANT/STATE:

1. ABDUL SALAM, AGED 34 YEARS, S/O.ABDUL RAHMAN,
BISMILAH MANSIL, PAMBADKARUPPU, UPPALA P.O,
MANGALPADY, MANJESHWAR, KASARGOD- 671 323.
2. THE SUB INSPECTOR OF POLICE,
KUMBALA POLICE STATION-671 321.
3. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R1 BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

R2 & 3 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2256 of 2015
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APPENDIX

PETITIONERS' ANNEXURES:

ANNX.I - CERTIFIED COPY OF THE FIRST INFORMATION REPORT INCLUDING
FIRST INFORMATION STATEMENT IN CRIME NO.605/2013 OF KUMBALA
POLICE STATION

ANNX.II - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.605/2013
OF KUMBALA POLICE STATION

ANNX.III - COPY OF THE AFFIDAVIT SWORN IN BY THE 1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2256 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioners herein are the four accused in C.C No.242/2014 of the Judicial First Class Magistrate Court I, Kasaragod. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323 and 324 r/w 34 of the Indian Penal Code on the complaint of one Abdul Salam who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the prosecution will not serve any purpose in such a circumstance of amicable

settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.242/2014 of the Judicial First Class Magistrate Court I, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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